

Chapter 4

SIGN REGULATIONS

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ARTICLE I. IN GENERAL

Sec. 4-1. Application.

This chapter applies to all Signs within the City's corporate limits and to Off-premises Freestanding Signs located within the City's extraterritorial jurisdiction.

Sec. 4-2. Definitions.

In this chapter:

Abandoned Sign means a sign that advertises or directs persons to any business, commercial transaction or activity, goods, products or services that were once, but are no longer, offered, available, or located at the advertised premises.

Curbline means an imaginary line drawn along and parallel to the edge of the pavement of a public Street.

Premises means:

- (1) For any developed property, the area of real property which encompasses all the Buildings, Structures, appurtenances and contiguous land devoted to a common use and not separated by a public Street, such as a shopping center; or
- (2) For undeveloped property, the area of real property designated as a Lot on a Plat approved in accordance with law and filed with the county clerk's office, or an unplatted tract of land as conveyed by deed or operation of law and recorded in the deed records of the county.

Wind Device Sign means any flag, banner, pennant, streamer, balloon or similar sign made of cloth, canvas, plastic or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.

(Ord. No. 1251, § 1, 7-18-00)

Sec. 4-3. Exemptions.

This chapter does not apply to the following types of Signs:

- (1) *Governmental Signs*: Any Sign:
 - a. Erected or maintained pursuant to and in discharge of any governmental function;
 - b. Required by law, ordinance or governmental regulation; or
 - c. Located on property owned, leased or under the control of a Governmental Entity.
- (2) *Private traffic control*: Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit Signs.
- (3) *Railways Signs*: Any Sign on railway property placed or maintained in reference to the operation of the railway.

- (4) *Utility and hazard Signs*: Signs marking utility or underground communication or transmission lines and hazards.
 - (5) *Plaques*: Historical and commemorative plaques of recognized historical societies and organizations, if the Signs are less than 15 square feet in Effective Area.
 - (6) *Mailboxes and addresses*: Addresses and names located on mailboxes.
 - (7) *Vehicle Signs*: Signs displayed or used upon vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or similar purpose of a permanent or Portable Sign.
 - (8) *Athletic fields*: Signs located on the field side of scoreboards and Fences of athletic fields.
 - (9) *National or state flags*: A national or state flag, or both, on any one premises if they do not exceed the Effective Area regulations applicable to Freestanding Signs for that premises.
 - (10) *Signs not visible from Street*: Any Sign not visible from a public Street.
 - (11) *Holiday Signs and lights*: Temporary Signs, including Christmas lights, containing only holiday messages and no commercial advertising.
 - (12) *Signs on persons or animals*: Hand-held Signs on persons or animals.
 - (13) *Unused Signs*: Signs being manufactured or transported and not used for advertising.
 - (14) *Signs on outdoor machines, devices, and equipment*: Signs located on outdoor machines, devices or equipment which display the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but do not advertise the business where located. This exemption includes Signs on coin-operated vending machines, fuel-dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, and similar machines, devices, or equipment.
 - (15) *Windows and door signs*: Signs painted on or placed on and supported by the glass surfaces of windows or doors, if not illuminated with the intent of being viewed from the public street.
- (Ord. No. 1251, § 2, 7-18-00)

Sec. 4-4. Prohibited Signs.

It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following Signs for Advertising purposes:

- (1) Revolving or moving Signs.
- (2) Portable Signs.
- (3) Signs located on a roof or attached to a Building if it projects above the highest point of the facade or parapet.

- (4) Signs that are deteriorated, dilapidated, or unsafe.
 - (5) Signs located on or attached to a Street light, utility pole, hydrant, bridge, traffic-control device, Street Sign, or other city-owned Building, facility, Structure, or equipment, without the consent of the City.
 - (6) Signs that do not comply with this chapter or other City ordinances.
 - (7) Signs located on Trees and Shrubs.
 - (8) Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic Sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any Street from obtaining a clear view of approaching vehicles.
 - (9) Signs, illuminated from within or without, which:
 - a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public Street or substantially interfere with the reasonable enjoyment of residential property; or
 - b. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
 - (10) Any Sign that violates any sight visibility regulations of the City.
 - (11) Off-premises Wall Signs.
 - (12) A Freestanding Sign located on any railroad right-of-way that is not used for or related to railroad operations.
 - (13) Any Sign which is located on or is part of an awning if the awning contains any form of interior illumination that is intended to or has the effect of making the Sign more readily visible from a public street.
- (Ord. No. 1251, § 3, 7-18-00)

Sec. 4-5. Conflicts.

Any regulation governing Signs contained in the zoning regulations govern over any conflicting provision contained in this chapter.

Secs. 4-6—4-10. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 4-11. Permit requirements; exemptions.

(a) *Permits generally.* It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any part of a Freestanding or Wall Sign, including the face or other integral part, or to thereafter make use of a Freestanding or Wall Sign without having first secured a Sign permit from the City, except as otherwise provided in this chapter.

(b) *Permits for Wind Device Signs.* It is unlawful for any person to place, erect or make use of a Wind Device Sign on a premises devoted to a Nonresidential Use without having first secured a Sign permit from the City. For Buildings leased to multiple tenants, the permit applies to each leased premises.

(c) *Exemptions.* A Sign permit is not required:

- (1) To repaint a Sign or to restore a conforming Sign to its original condition if the Sign otherwise complies with this chapter;
- (2) To periodically change only the letters, numbers or message portion of a lawful Sign specifically designed for that purpose;
- (3) For the placement or use of a Stake Sign; or
- (4) For the placement of a Temporary Freestanding Sign (Type 1) as provided for in this chapter.

Sec. 4-12. Application and Permits.

The application for a Sign permit and the applicable fee must be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the administering employee to ensure proper regulation of the Sign and to ensure compliance with this chapter.

Sec. 4-13. Issuance of Permits.

If the plans and specifications for a Sign set forth in any application for a permit conform to all of the requirements of this chapter and other City regulations, the administering employee will issue the appropriate permit.

Sec. 4-14. Duration.

(a) Unless earlier revoked, a Sign permit to construct, erect or place a Freestanding or Wall Sign is valid for 180 days from the date of issuance.

(b) A permit to make use of one or more Wind Device Signs on a premises devoted to a nonresidential use may not exceed a period of use of 28 consecutive days in one calendar year or two periods of use of 14 consecutive days in one calendar year.

(Ord. No. 1251, § 4, 7-18-00)

Sec. 4-15. Revocation.

A Sign permit may be revoked for a violation of this chapter. The Director shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation prior to making a decision thereon.

Sec. 4-16. Appeals.

Any person aggrieved by a decision of an administering employee in the application of this chapter may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures applicable to appeals of decisions under the City's zoning regulations. The Zoning Board of Adjustment will hear and decide appeals in accordance with the provisions applicable to appeals under the City's zoning regulations. The Board is not authorized to hear or grant variances to the provisions of this Chapter.

Sec. 4-17. Manner of measurement.

(a) *Size.* The size of a Sign is determined by its Effective Area. For Freestanding Signs, the Effective Area includes the entire Structure on which all Signs are placed or mounted.

(b) *Setback.* The Setback is measured perpendicularly from the curbline to the closest point of the Sign.

(c) *Height.* The Height of a Sign is measured from the natural ground level at the base of the Sign to the highest point of the Sign.

(d) *Width.* The width of a Sign is measured along a line drawn from the outermost edges of the Sign, parallel to the ground.

Secs. 4-18—4-22. Reserved.**ARTICLE III. REGULATIONS****Sec. 4-23. Regulatory scheme.**

(a) For purposes of applying these regulations, all Signs are defined and classified, according to their physical characteristics as follows:

- (1) Freestanding Signs.
- (2) Wall Signs.
- (3) Stake Signs.
- (4) Wind Device Signs.

(b) Freestanding and Wall Signs are, because of their physical characteristics, considered permanent Signs, designed to be used for an extended period to time. Stake Signs and Wind Device Signs are, because of their physical characteristics, considered temporary Signs, designed to be used for particular events, such as elections, garage sales, grand openings, etc.

Sec. 4-24. Freestanding Signs.

(a) *Table of regulations.* Except as otherwise provided in this section, Freestanding Signs must comply with the requirements of the following Table A:

TABLE A

REQUIREMENTS	LAND USE		
	RESIDENTIAL	NON-RESIDENTIAL	
		Frontage Not on U.S. Highway 59	Frontage on U.S. Highway 59
Maximum Effective Area (sq. feet)	36	60	100
Maximum Height (feet)	4	6	10
Minimum Setback from curb (feet)	10	10	10
Number per foot of frontage	1/500	1 for the first 125, 1 for each additional 125	1 for the first 125, 1 for each additional 125

(b) *Number.* All Signs on one common supporting Structure are counted together as one Sign for purposes of applying the regulations on the number of Freestanding Signs allowed on any one premises.

(c) *Spacing requirements.* A Freestanding Sign must not be located within 50 feet of another Freestanding Sign on another premises. A Freestanding Sign must not be located within 125 feet of another Freestanding Sign on the same premises. A Freestanding Off-premises Sign must not be located within 2,000 feet of another Freestanding Off-premises Sign.

(d) *Design and materials for Freestanding Signs.* All Freestanding Signs must be designed and constructed to substantially appear as a solid mass, such as a cylinder, block, rectangle, or square, from ground level to the highest portion of the Sign. (commonly known or referred to as a monument-type Sign). All Freestanding Signs must be made of masonry, metal, routed wood planks or beams, or durable plastic. The requirements of this paragraph do not apply to the temporary Freestanding Signs allowed under paragraphs (e) and (f) of this section.

(e) *Temporary Freestanding Sign (Type I).* No permit is required to erect and maintain one Freestanding Sign on any one premises for a maximum of 75 days in any one calendar year; if the Sign:

- (1) Has a Height of ten feet or less;
- (2) Has an Effective Area of 32 square feet or less;
- (3) Is unlighted;
- (4) Complies with the Setback and spacing requirements for Freestanding Signs for that premises; and
- (5) Does not contain Off-premises Advertising.

(f) *Temporary Freestanding Sign (Type II).* A permit, valid for one and renewable for one additional year, may be issued for one Freestanding Sign on any one premises, if the Sign:

- (1) Is unlighted;

- (2) Complies with the Setback and spacing requirements for Freestanding Signs for that premises; and
- (3) Meets the following design and material requirements:
 - a. The face is fabricated of one-half inch thick medium density overlay plywood of yellow treated pine mounted on both sides of a frame with dimensions of four feet by four feet where no part of the frame or posts extend beyond the Sign faces at the sides or top of the Sign;
 - b. The plywood face of the Sign is four feet in width and eight feet in Height and extends down to within six inches of the ground;
 - c. The Sign is anchored by two 4 inch by 4 inch yellow pine treated posts anchored in sand filled holes extending down at least two feet in the ground; and
 - d. The plywood face is securely held to the frame by galvanized nails or screws installed with the heads flush to the surface; all seams are tight; all holes are filled and sanded smooth; and all surfaces are coated with primer and painted with good quality exterior grade semigloss paint.

(g) *Abandoned Freestanding Signs.*

- (1) Any Abandoned Freestanding Sign that is a nonconforming use must be removed within 30 days of the date the sign becomes an Abandoned Sign.
- (2) Within 60 days of the date a freestanding sign becomes an Abandoned Sign, the message portion of the sign must be painted over, covered, removed, or modified so that the remaining sign structure is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or dismantled, as approved or required by the City's employee administering the regulations of this chapter.

(h) *Easements.* A Freestanding Sign must not be placed or located within a public easement or public right-of-way unless the City gives its written consent to the encroachment.

(i) *Signs on vacant premises.* The regulations of Table A applicable to residential land uses apply to Freestanding Signs located on vacant premises located in a residential zoning district. The regulations of Table A applicable to Nonresidential Uses apply to Freestanding Signs located on vacant premises located in a nonresidential zoning district and to Off-premises Freestanding Signs located in the City's extraterritorial jurisdiction.

(j) *Size Exception for Freestanding Signs in M-1 Districts.* Any real property located in an M-1 zoning district that would be allowed to have three or more freestanding signs under paragraph (a) of this section, may choose to have one freestanding sign with a maximum effective area of 100 feet and another freestanding sign with a maximum effective area of 60 square feet, in lieu of all other freestanding signs allowed under paragraph (a) of this section. (Ord. No. 1155, § 1, 12-15-98; Ord. No. 1251, § 5, 7-18-00; Ord. No. 1385, §§ 1, 2, 12-17-02)

Sec. 4-25. Wall Signs.*(a) Maximum Effective Area.*

- (1) *Principal Buildings.* The Effective Area of all Wall Signs located on a Principal Building devoted to a Residential Use may not exceed one percent of the area of the wall or faade upon which they are located. The Effective Area of all Wall Signs located on a Principal Building serving as a Nonresidential Use may not exceed 15% of the area of the wall or faade upon which they are located, or 300 square feet, whichever is less.
- (2) *Accessory Buildings and Structures.* The Effective Area of all Wall Signs located on an Accessory Building or Structure serving a Nonresidential Use may not exceed 5% of the area of the wall or faade upon which they are located, or 100 square feet, whichever is less.
- (3) *Measurements.* In measuring the area of the wall or faade of a Principal Building or an Accessory Building or Structure in this section, the area of all doors and windows are included. In measuring the area of a wall or faade of an Accessory Structure in this section that contains open space (i.e. not occupied by walls, glass, or other material used to permanently enclose the interior space), such as a canopy or porte-cochere, the area of the open space is not included.

(b) *Multi tenant Buildings.* For multi tenant Buildings, the Effective Area regulations apply to that portion of the Building facade leased by each tenant.

(c) *Height.* For Buildings containing 10,000 square feet or more of floor space, the maximum height of the Wall Sign shall be two inches in height for every one foot of height of the wall to which it is attached. For Buildings containing less than 10,000 square feet in floor area, the maximum height of the Wall Sign shall be one and one-half inches for every one foot of height of the wall to which it is attached. Under this provision, the height of the wall is measured from the base of the wall vertically to the highest point of the wall to which the sign is affixed.

(d) *Extension.* A Wall Sign may not extend beyond the perimeter of any part of the wall to which it is attached.

(Ord. No. 1251, § 6, 7-18-00; Ord. No. 1287, §§ 1, 2, 5-1-01; Ord. No. 1377, § 1, 11-5-02)

Sec. 4-26. Stake Signs.

(a) *Size and Height.* A Stake Sign may not have an Effective Area in excess of nine square feet or a Height in excess of four feet.

(b) *Prohibited Areas.* A Stake Sign may not be located within the right-of-way of a public street or within a railroad right-of-way.

(c) *Removal.* A Stake Sign that advertises a particular event or happening must be removed within three days after the conclusion of the event by the owner of the premises on which it is located.

(d) On any City property that is used as an election polling place, a person may place a stake sign on the City property in an area designated by the city manager, beginning on the 18th day prior to the election date and continuing to the end of the day following the election, if the stake sign meets all the regulations of this section and contains only noncommercial messages. The City may remove and dispose of any sign that does not comply with these regulations.

(Ord. No. 1251, § 7, 7-18-00; Ord. No. 1340, § 1, 1-15-02)

Sec. 4-27. Wind Device Signs.

Wind Device Signs must not extend beyond the property lines of the premises where located, over any public highway, Street or sidewalk, or to a greater Height than the maximum Height allowed for a structure on the premises.

Sec. 4-28. Reserved.

ARTICLE IV. NONCONFORMING SIGNS

Sec. 4-29. Definition.

A Sign is nonconforming if it does not comply with a regulation of this chapter, and:

- (1) Was erected in compliance with the regulations then in effect; or
- (2) Was lawfully in place at the time it was annexed to the City.

Sec. 4-30. Registration.

The owner of a nonconforming Sign must register the Sign with the City by completing a form provided for that purpose by the City.

Sec. 4-31. Portable Signs.

A nonconforming Portable Sign that is removed from a premises loses its nonconforming status.

Sec. 4-32. Destruction; repair.

(a) Any nonconforming Sign, including its supporting Structure, which is destroyed, damaged, dilapidated or deteriorated must not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of 60% of the reproduction cost of a new Sign, including its supporting Structure, which is substantially the same or similar to the nonconforming Sign destroyed, damaged, dilapidated or deteriorated, unless such alteration or repair makes the Sign conforming. A person may not repair, renovate or alter a nonconforming Sign without first receiving a Sign permit. A permit is not required to repaint a Sign.

(b) The administrative employee may, whenever he deems necessary to reasonably determine the applicability of subsection (a) of this section, require the owner of the nonconforming Sign to submit two or more independent estimates from established Sign companies of the cost of replacing, repairing or renovating, in whole or in part, the existing nonconforming Sign and two or more independent estimates from established Sign companies of the reproduction cost of a new Sign, including its supporting Structure, which is substantially the same or similar to the nonconforming Sign destroyed, damaged, dilapidated or deteriorated.

(c) Any part of a sign or the supporting structure of a sign that is a nonconforming use may be repaired or renovated only by the use of the types of materials and dimensions of materials that are the same as the parts of the sign or supporting structure being repaired or renovated. (Ord. No. 1251, § 8, 7-18-00)